

REMARKS

Claims 1-30 are pending in this application. Claims 1, 10, 17 and 24 are currently amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Examiner Interview

Applicant would like to thank Examiner Sciacca for conducting a telephone interview with Applicant's representative on June 25, 2008. During the interview, Examiner Sciacca and Applicant's representative discussed the independent claims, the applied references, and the grounds of rejection. The substance of the interview is reflected by the foregoing amendments and the following remarks.

35 U.S.C. § 103(a) Rejection

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number ("USPN") 7,136,392 to Wentink ("Wentink") in view of USPN 7,301,965 to Cimini, Jr. et al. ("Cimini"). Applicant respectfully traverses the rejection, and request reconsideration and withdrawal of the obviousness rejection.

Independent claim 1 has been amended to recite "mapping said one or more service characteristics to a class of service database; allocating one or more resources to the application, the one or more resources being based, at least in part, on the quality of service and a media access control data service unit (MDSU) size; and determining a size of packets to be used for transmitting data associated with the service based on said quality of service."

Independent claims 10 and 24 have been amended to recite "mapping said one or more service characteristics to a class of service database; allocating one or more resources to the application, the one or more resources based, at least in part, on the quality of service and a media access control data service unit (MDSU) size; and determining a size of packets to be used for transmitting data associated with the service based on said quality of service."

Independent claim 17 has been amended to recite “mapping said one or more service characteristics to a class of service database; allocating at least one of the one or more resources to the application, the at least one of the one or more resources based, at least in part, on the quality of service and a media access control data service unit (MDSU) size; and determining a size of packets to be used for transmitting data associated with the service based on said quality of service.”

Applicant submits that Wentink fails to teach or suggest the above-identified language of independent claims 1, 10, 17, and 24. At page 3, paragraph 2 of the Office Action, the Examiner correctly states that Wentink does not disclose determining a size of packets to be used for transmitting data associated with the service. Applicant also submits that Wentink does not teach or fairly suggest mapping said one or more service characteristics to a class of service database and allocating one or more resources to the application, the one or more resources being based, at least in part, on the quality of service and a media access control data service unit (MDSU) size, as recited in amended independent claims 1, 10, 17, and 24.

Furthermore, Applicant submits that the teachings of Cimini do not remedy the deficiencies of Wentink with respect to amended independent claims 1, 10, 17, and 24. Namely, although Cimini discloses setting a maximum MDSU length limit based on a node data rate so that the maximum transmission time of all the nodes is the same, Cimini does not teach or fairly suggest mapping said one or more service characteristics to a class of service database, allocating one or more resources to the application, the one or more resources being based, at least in part, on the quality of service and a MDSU size, and determining a size of packets to be used for transmitting data associated with the service based on said quality of service as recited in amended independent claims 1, 10, 17, and 24.

Therefore, even if Cimini and Wentink could be combined, which Applicant does not admit, such combination would still fail to teach or suggest all of the features of amended independent claims 1, 10, 17, and 24. As such, Applicant submits that Wentink and Cimini are insufficient to render obvious amended independent claims 1, 10, 17, and

24, regardless of whether such references are taken alone or in combination with each other.

Applicant submits, therefore, that amended independent claims 1, 10, 17, and 24 are allowable for at least these reasons. Applicant also submits that dependent claims 2-9, 11-16, 18-23, and 25-30 are allowable by virtue of their dependency, as well as on their own merits.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of claims 1-30.

Conclusion

It is believed that claims 1-30 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

KACVINSKY LLC



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Under 37 CFR 1.34(a)

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